BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

VAN CHI DANG

DOCKET NO. 04-0005

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)

DECISION AND ORDER NO. 20938

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Filed April 30 , 2004 At 8:00 o'clock A .M.

Chief Clerk of the Commission

ATTEST: A True Copy KAREN HIGASHI

Chief Clerk, Public Utilities Commission State of Hawaii.

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Docket No. 04-0005

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DECISION AND ORDER

I.

Application to Transfer Common Carrier Authority

On January 7, 2004, VAN CHI DANG ("Transferor") filed an application seeking commission approval to transfer certificate of public convenience and necessity number 1401-C ("Certificate No. 1401-C") to DANG'S, INC., dba DANG'S LIMOUSINE SERVICE ("Transferee"), pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 1401-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 passengers.

Transferor served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by Applicant's proposed service, and on the Division of

Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). By a statement filed on April 5, 2004, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Findings and Conclusions

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 1401-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

Orders

THE COMMISSION ORDERS:

- 1. Transferor's application to transfer Certificate No. 1401-C to Transferee is approved.
- 2. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, filing the appropriate insurance documents, and paying a fee of \$20 for motor carrier gross revenues.

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3. Transferor shall surrender Certificate No. 1401-C, and an amended certificate reflecting the transfer authorized by

this decision and order shall be issued to Transferee.

4. Transferor shall file with the commission his annual

financial report for the period of operation from January 1, 2004,

to the effective date of this decision and order, and shall pay the

associated motor carrier gross revenue fee.

5. Transferor and Transferee shall comply with the

requirements set forth herein within 120 days after service of this

decision and order. Failure to comply within the time specified

constitutes cause for this commission to void this decision and

order.

6. Transferee shall not commence operations under this

decision and order until it has received written confirmation from

the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 30th day of April, 2004.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

APPROVED AS TO FORM:

Janet E. Kawelo, Commissioner

Wayne H. Kimura, Commissioner

Benedyne S. Stone Commission Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 20938</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

VAN CHI DANG 1411 Auld Lane Honolulu, HI 96817

DANG'S, INC., dba DANG'S LIMOUSINE SERVICE 1411 Auld Lane Honolulu, HI 96817

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DATED: April 30, 2004